

DENNIS J. HERRERA, State Bar #139669  
City Attorney  
KRISTEN A. JENSEN, State Bar #130196  
THOMAS S. LAKRITZ, State Bar #161234  
VICTORIA WONG, State Bar #214289  
Deputy City Attorneys  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 234  
San Francisco, California 94102-4682  
Telephone: (415) 554-6547  
Facsimile: (415) 554-4747  
E-Mail: Tom.Lakritz@sfgov.org  
  
Attorneys for Defendant  
CITY AND COUNTY OF SAN FRANCISCO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

METRO FUEL LLC, a Delaware limited  
liability company,

Plaintiff,

vs.

CITY OF SAN FRANCISCO, a municipal  
corporation, COUNTY OF SAN  
FRANCISCO, a subdivision of the State  
of California, CITY AND COUNTY OF  
SAN FRANCISCO, a chartered California  
city and county and DOE 1 through DOE  
10,

Defendants.

Case No. C07-6067 PJH

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING HEARING  
SCHEDULE**

WHEREAS, the hearing on Defendants' motion for judgment on the pleadings is currently  
scheduled for Wednesday, October 27, 2010; and

WHEREAS, counsel for Plaintiff, Eric Hecker, resides in New York; and

WHEREAS, the parties believed that the Court would be receptive to a request by Mr. Hecker  
to appear by telephone, and only recently learned from the Court's Calendar Clerk that the Court does  
not allow attorneys to appear by telephone; and

WHEREAS, Mr. Hecker is unable to travel to California to attend the hearing currently scheduled for October 27th due to another litigation matter in New York, and, because he teaches a course at Cardozo Law School that meets once a week on Wednesday in New York, he cannot attend a hearing in California on any Wednesday through and including December 8, 2010;

NOW, THEREFORE, it is hereby STIPULATED and AGREED, by and between Plaintiff Metro Fuel LLC and Defendants City of San Francisco, County of San Francisco, and City and County of San Francisco, through their undersigned attorneys of record as follows:

1. The hearing on Defendants' motion for judgment on the pleadings currently scheduled for October 27, 2010 is ADJOURNED until December 15, 2010 at 9:00 a.m.

DATED: October 19, 2010

DENNIS J. HERRERA  
City Attorney

By: \_\_\_\_\_/s/  
TOM LAKRITZ

Attorneys for Defendant CITY AND COUNTY  
OF SAN FRANCISCO

DATED: October 19, 2010

REUBEN & JUNIUS LLP

By: \_\_\_\_\_/s/  
JAMES REUBEN

Attorneys for Plaintiff METRO FUEL, LLC

DATED: October 19, 2010

EMERY CELLI BRINCKERHOFF & ABADY LLP

By: \_\_\_\_\_/s/  
ERIC HECKER

Attorneys for Plaintiff METRO FUEL, LLC

IT IS SO ORDERED:

Pursuant to the stipulation of the parties, the hearing is adjourned to December 15, 2010 at 9:00 a.m.

Dated: 10/20/10

HONORABLE JUDGE PHYLLIS J. HAMILTON



JUDGE OF THE U.S. DISTRICT COURT

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